



**Fw: Allsberry v Flynn Appeal**  
Patrick Flynn to: Kathy Hall

04/05/2021 09:11 AM

----- Forwarded by Patrick Flynn/45/Courts/Judicial on 04/05/2021 09:08 AM -----

From: "Pennycuff, Melanie" <Melanie.Pennycuff@ago.mo.gov>  
To: Judge Flynn <Patrick.Flynn@courts.mo.gov>  
Date: 03/25/2021 10:37 AM  
Subject: FW: Allsberry v Flynn Appeal

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**From:** David M. Duree <law@dmduree.net>  
**Sent:** Thursday, March 25, 2021 9:04 AM  
**To:** Pennycuff, Melanie <Melanie.Pennycuff@ago.mo.gov>; Melissa Bowman <mbowman@dmduree.net>  
**Cc:** Sauer, John <John.Sauer@ago.mo.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; McCameron, Stacy <Stacy.McCameron@ago.mo.gov>  
**Subject:** RE: Allsberry v Flynn Appeal

Dear Melanie:

Karla Allsberry does not consent to transferring this case to the Missouri Supreme Court before a decision by the Court of Appeals, believing that the more efficient way to resolve Judge Flynn's appeal is for the Court of Appeals to rule on an expedited basis, while Karla resumes performance of her duties as the elected clerk either under a writ by the Missouri Supreme Court or an injunction by the Federal Court or failing either of those two methods, by self help.

David Duree

**David M. Duree**

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**From:** Pennycuff, Melanie <Melanie.Pennycuff@ago.mo.gov>  
**Sent:** Wednesday, March 24, 2021 7:09 AM  
**To:** David M. Duree <law@dmduree.net>; Melissa Bowman <mbowman@dmduree.net>  
**Cc:** Sauer, John <John.Sauer@ago.mo.gov>; Osete, Jesus <Jesus.Osete@ago.mo.gov>; McCameron, Stacy <Stacy.McCameron@ago.mo.gov>  
**Subject:** Allsberry v Flynn Appeal  
**Importance:** High

David,

Our Solicitor General's Office is handling the appeal currently pending for this case. I've copied John Sauer, our Solicitor General, and Jesus Osete, one of the deputy solicitors general, on this email.

We have authority from our client to request an immediate (pre-disposition) transfer of the appeal to the Supreme Court under Rule 83.01. We are going to do so as soon as we get the record on appeal filed with the Court of Appeals. Most likely this will happen on Friday but it is possible that it will be early next week – it depends on how quickly we can get the record on file. When we make the application for transfer, the Supreme Court may request that you file suggestions in opposition to our request. This will slow things down considerably. If you will consent to our Application for Transfer under Rule 83.01, the Supreme Court will consider our request without the delay involved with giving you time to file any opposition.

We would like to insert the following language in our Application:

**“Allsberry does not oppose transfer under Rule 83.01”**

Will you agree to allow us to use that language in our application? I need to know whether you will or not by tomorrow, Thursday, March 25 so that we can get our application on file Friday, assuming we get the record filed today or tomorrow. This is the fastest way to get the issue before the Supreme Court which is ultimately where this case needs be decided. Of course, it is still up to the Supreme Court as to how long it will take them to decide whether or not to accept transfer.

I also need to know whether or not you will consent to trying to get this case before



the Supreme Court immediately so that I can advise Judge Limbaugh of your decision when I file my brief in the EDMO on Friday.

Please take note that, because we are requesting immediate transfer under 83.01, we intend to file a very short opposition to your motions to expedite. We will just advise the COA and the SC that we object to your motions to expedite, but only because we are going to file an application for pre-disposition transfer under 83.01. We will also let them know that, in the event that the Supreme Court denies transfer now, we do not object to expediting the appeal or your Petition for Writ.

Please get back to me on this as soon as is convenient for you. Please copy Mr. Sauer and Mr. Osete on any reply.

Thank you,  
Melanie

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